

**SUPREME COURT MINUTES
THURSDAY, JULY 26, 2001
SAN FRANCISCO, CALIFORNIA**

S085410 The People, Plaintiff and Respondent
 v.
 Marcos Trevino, Defendant and Appellant

In re Marcos Trevino on Habeas Corpus

We reverse the judgment of the Court of Appeal insofar as it reversed the superior court's judgment on defendant's appeal (B118891), and we remand the appeal to that court with directions to affirm the superior court's judgment in all respects. We affirm the Court of Appeal's judgment denying defendant's petition for writ of habeas corpus (B134606).

Kennard, J.

We Concur:
Baxter, J.
Chin, J.
Brown, J.

Dissenting Opinion by George, C.J.

I Concur:
Werdegar, J.

S086220 The People, Respondent

2nd Dist. v.

B128851 Joe Buckhalter, Appellant

Div. 4 The time for granting or denying rehearing in the above-entitled case is hereby extended to and including October 5, 2001, or the date upon which rehearing is either granted or denied, whichever occurs first.

S099189 J. Michael Schaefer, Petitioner

v.

Los Angeles County Superior Court and
San Diego County Superior Court, Respondents
Robert Lauer et al., Real Parties in Interest

The application of J. Michael Schaefer pursuant to Code Civil Procedure section 391.7, for an order permitting the filing of a petition for writ of mandate is hereby DENIED. The clerk shall return the petition for writ of mandate to the petitioner together with his check for the filing fee.

S099345 In the Matter of Suspension of Attorneys

Pursuant to Rule 962, California Rules of Court

The Board of Governors of the State Bar of California having on the 23rd day of July 2001 filed in this court its resolution recommending suspension from practice and membership in the State Bar of California of the members hereinafter named whose names appear on the certified list prepared by the State Department of Social Services as being in arrears in payment of support obligations and who have failed to obtain a release from the appropriate District Attorney; and it being provided by section 17520 of the Family Code that any member so failing must be suspended from membership;

IT IS ORDERED that the persons hereinafter named are and each of them is suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after September 4, 2001;

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate District Attorney pursuant to subdivision (1) of section 17520 of the Family Code, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and such person shall be fully restored to

membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until restored as above provided each of the persons named shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding oneself out to the public as an attorney or counsel at law.

(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

S097697

In re **Denise Davis Moorehead** on Discipline

It is ordered that **Denise Davis Moorehead, State Bar No. 136369**, be suspended from the practice of law for two years and until she provides proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for one year and until she makes restitution to Douglas Pettie (or the Client Security Fund, if appropriate) in the amount of \$2058 plus 10% interest per annum from March 24, 2000, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, as recommended by the Hearing Department of the State Bar Court in its decision filed March 14, 2001; and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If respondent is actually suspended for two years or more, she shall remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that she comply with rule 955 of the California Rules of Court, and that respondent perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective

date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S097698 In re **Arthur K. Snyder** on Discipline

It is ordered that **Arthur K. Snyder, State Bar No. 30600**, be suspended from the practice of law for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on April 2, 2001. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S097699 In re **Joseph Walch** on Discipline

It is ordered that **Joseph Walch, State Bar No. 56192**, be suspended from the practice of law for five years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for 5 years on condition that he be actually suspended for 18 months and until he complies with standard 1.4(c)(ii). Respondent is further ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State

Bar Court in its order approving stipulation filed on March 26, 2001. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2002, 2003, 2004 and 2005.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S097700

In re **Gary Alan Smith** on Discipline

It is ordered that **Gary Alan Smith, State Bar No. 78234**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 60 days and until he makes restitution to Joseph Collura (or the Client Security Fund, if appropriate) in the amount of \$385.00 plus 10% interest per annum from March 2, 1998, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, as recommended by the Hearing Department of the State Bar Court in its decision filed on January 30, 2001, as modified by its order filed March 16, 2001; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. **Gary Alan Smith** is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If **Gary Alan Smith** is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If **Gary Alan Smith** is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform

the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. and Prof. Code, § 6126, subd. (c).)

S097702 In re **Carlos E. Castaneda** on Discipline

It is ordered that **Carlos E. Castaneda, State Bar No. 140786**, be suspended from the practice of law for six months, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed April 3, 2001. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2002, 2003 and 2004. (Business & Professions Code section 6086.10.)

S097703 In re **Daniel Mark Chesnut** on Discipline

It is ordered that **Daniel Mark Chesnut, State Bar No. 152136**, be suspended from the practice of law for four years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for four years on condition that he be actually suspended for 18 months and until he complies with standard 1.4(c)(ii). The period of actual suspension shall be consecutive to the period of actual suspension imposed in SO94661 (State Bar Court case no. 96-O-00544). Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on April 6, 2001. Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2002 and 2003.

S097705 In re **Gilbert M. Archuletta, Jr.** on Discipline

It is ordered that **Gilbert M. Archuletta, Jr., State Bar No. 65066**, be suspended from the practice of law for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 45 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed April 2, 2001. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S097706 In re **James L. Sims** on Discipline

It is ordered that **James L. Sims, State Bar No. 80672**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension and restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on February 5, 2001, as modified by its order filed March 26, 2001. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S099268

In the Matter of the Resignation of **Biana Coltun**

A Member of the State Bar of California

The voluntary resignation of **Biana Coltun, State Bar No. 105572**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 955 of the California Rules of Court and that she perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

**SUPREME COURT CALENDAR
SAN FRANCISCO SESSION
SEPTEMBER 4, 2001**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom 350 McAllister Street, Fourth Floor, San Francisco, California, on September 4, 2001.

TUESDAY, SEPTEMBER 4, 2001 – 9:00 A.M.

IN MEMORIAM - HON. STANLEY MOSK
Associate Justice, California Supreme Court (1964-2001)

- S089115 Haynie v. Superior Court, County of Los Angeles;
 (County of Los Angeles)
 (*Harry E. Hull, Jr., J., assigned Justice Pro Tempore.*)
- S088872 Draper v. Aceto
 (*James J. Marchiano, J., assigned Justice Pro Tempore.*)

1:30 P.M.

- S086153 People v. Slayton
 (*Mildred L. Lillie, P.J., assigned Justice Pro Tempore.*)
- S078271 Vu v. Prudential Insurance
 (*Herbert I. Levy, J., assigned Justice Pro Tempore.*)
- S009169 People v. Martin Kipp (Automatic Appeal)
 (*Daniel J. Kremer, P.J., assigned Justice Pro Tempore.*)

GEORGE

Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 10(d), California Rules of Court.